**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE**

**CRIMINAL APPLICATION NO. 2680 OF 2007**

Mr.Prashant Tipanna Gudador. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

K.R.Jagdale for the applicant.

S.S.Pednekar, APP for the State.

**CORAM: V.C.DAGA, J.**

**DATED: 30th August 2007.**

**P.C.:**

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. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in Sessions Case No.77/2007 arising out of C.R.No.I-91/2007 registered with Mahatma Phule Police Station, Kalynan for the offence punishable under section 302 of Indian Penal Code (I.P.C.).

3. The facts, in brief, are that the present accused is the son of deceased Tipanna. He along with his parents and elder brother were staying jointly in a house situated in Parshuram Patil Chawl, Mohane, Kalyan. There used to be quarrels and disputes between the deceased and his wife Sidamma. The

deceased and elder brother were addicted to liquor. Applicant used to take side of his mother. Because of having operated, the present applicant was not doing any type of work.

4. On 26th February, 2007, the elder son had gone to attend his duty. The deceased after coming back from duty started quarrelling with Sidamma. The quarrel was going on till next date. Ultimately, the deceased asked Sidamma and present applicant to leave the house. Due to this, applicant picked up a cement pipe kept in the house and gave 3-4 blows thereof on the head of the deceased. When Sidamma went to rescue the deceased, applicant pushed her. The deceased had received injuries and was fallen on the ground. After this the accused left the house with pipe. Sidamma came out of the house and started weeping which resulted in gathering the neighbours in front of her house. She narrated the incident to them. The elder son was called, who took the deceased to the hospital where he was declared as dead. The elder son of the deceased, namely, Rewan Guddor lodged First Information Report against the applicant- accused on the basis of which the present crime came to be registered against the applicant.

5. During the course of investigation, the

accused was arrested. A cement pipe was seized along with other articles and clothes. Statements of witnesses were recorded. After completion of investigation chargesheet came to be filed against the applicant- accused. The offence punishable under section 302 of I.P.C. being triable by the Court of Sessions, the case came to be committed to the Sessions Court, Thane.

6. The learned A.P.P., appearing for the State brought to my notice the statement of Sidamma, mother of the present applicant; wherein she herself has given live picture about the happening which clearly implicates the present applicant. Sufficient material is available on record to connect the present applicant to the offence alleged. Considering the statement of the mother of the present applicant, I am not inclined to grant bail in favour of the applicant.

7. The application is, therefore, rejected.

**JUDGE**